

1787. Misbranding of Red Rooster Pills. U. S. v. 52 Boxes of Red Rooster Pills. Default decree of condemnation and destruction. (F. D. C. No. 16107. Sample No. 4068-H.)

LIBEL FILED: May 3, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 14, 1945, by the Pep Co., from Norfolk, Va.

PRODUCT: 52 boxes of *Red Rooster Pills* at Philadelphia, Pa. Examination showed that the product had the composition stated on its label.

LABEL, IN PART: "Red Rooster World Famous Red Pills The Pep Co. 824 Main St. Norfolk, Va. Each pill contains Strychnine Sulfate 1-50 gr., Yohimbine Hydrochloride 1-12 gr., Orchic Substance 1-10 gr., Avenin 1 gr., P. E. Damiana 1-20 gr., Zinc Phosphide 1-10 gr. * * * Victor Edison Perry."

NATURE OF CHARGE: Misbranding, Section 502 (a), the statements, "World Famous * * * The Pep Co. * * * Don't Expect Wonders from trial sample 25 pills \$1 Get 175 Pills Only \$5," were false and misleading since they implied that the article was world famous and would restore pep. The article was not world famous, and it would not restore pep.

Further misbranding, Section 502 (c), the common or usual names of the active ingredients, as required by law, did not appear on the label in such terms as to render them likely to be understood by the ordinary individual, since no distinction had been made in the list of ingredients between those which were active and those which were inert, such as orchic substance and avenin.

DISPOSITION: September 27, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1788. Misbranding of Old Hickory Ointment. U. S. v. 69 Jars of Old Hickory Ointment. Default decree of condemnation and destruction. (F. D. C. No. 16640. Sample Nos. 555-H, 556-H.)

LIBEL FILED: June 28, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about January 25, 1944, and April 16, 1945, by the Old Hickory Medicine Co., from Chattanooga, Tenn.

PRODUCT: 22 1½-ounce jars and 47 ½-ounce jars of *Old Hickory Ointment* at Atlanta, Ga. Examination showed that the product consisted essentially of zinc oxide, salicylic acid, calomel, carbolic acid, camphor, menthol, and petrolatum.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements, "Acne, Barber's Itch, Tetter, * * * Eczema, Scabies, * * * Psoriasis, * * * Poison Ivy, Poison Oak," were false and misleading since the product would not be effective in the treatment of the conditions named; and (½-ounce size only), Section 502 (e), the product was fabricated from two or more ingredients and its label failed to bear a statement of the quantity or proportion of calomel, a mercury derivative, present in it.

DISPOSITION: August 1, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1789. Misbranding of Vita-Fluff Dandruff Remover. U. S. v. 40 Packages and 13 packages of Vita-Fluff Dandruff Remover. Default decree of forfeiture and destruction. (F. D. C. No. 16438. Sample Nos. 13422-H, 13424-H.)

LIBEL FILED: June 13, 1945, Southern District of Indiana.

ALLEGED SHIPMENT: On or about April 21, 1945, by Duon, from Dayton, Ohio.

PRODUCT: 40 1-gallon packages and 13 21-ounce packages of *Vita-Fluff Dandruff Remover* at Indianapolis, Ind. Examination showed that the product consisted essentially of water, a detergent of the sodium alkyl sulfate type, and mercuric chloride.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements on the label and in an accompanying bulletin were false and misleading since the article was not healing and it would not be effective in the eradication of dandruff: (Label) "Created especially to eradicate dandruff * * * Healing"; (bulletin) "Vita Fluff Dandruff Remover will give you such satisfactory results * * * after more than six years of laboratory, practical, and actual tests in the eradication and control of dandruff, seborrhea, seborrheic dermatitis, pityriasis simplex, etc. * * * actually dandruff is due to an internal imbalance of fatty secretions, which combine on the scalp. We have never found any evidence of dandruff being contagious or infectious * * * penetrate the oily surface of the scalp * * * at the same time carrying

with it corrective and healing properties * * * the occasional use of Vita Fluff Dandruff Remover will maintain a healthy scalp indefinitely."

Further misbranding, Section 502 (e), the label of the article failed to bear the common or usual name of each active ingredient and the quantity or proportion of mercuric chloride.

DISPOSITION: August 21, 1945. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

1790. Misbranding of mineral tablets and vitamin B complex tablets. U. S. v. 11 $\frac{3}{4}$ Cases of Mineral Tablets and 38 Bottles of Vitamin B Complex Tablets, and a number of circulars. Default decree of condemnation and destruction. (F. D. C. No. 16638. Sample Nos. 27913-H, 27914-H.)

LABEL FILED: June 25, 1945, District of Oregon.

ALLEGED SHIPMENT: By Nature's Minerals Co., from Indianapolis, Ind. The articles were shipped on or about March 14, 1945, and the circulars were shipped during the year 1943.

PRODUCT: 11 $\frac{3}{4}$ cases, each full case containing 12 270-tablet bottles, of *mineral tablets*; 38 bottles of vitamin B complex tablets; and a number of accompanying circulars entitled "Nature's Minerals" and "High Potency Vitamin B Complex," at Portland, Oreg.

Analysis of the *mineral tablets* showed that they consisted of calcium, magnesium, iron, and sodium compounds, including phosphates, carbonates, sulfates, and chlorides, sulfur, and a small proportion of an iodide. Analysis of the *vitamin B complex tablets* showed that the product would supply the ingredients declared on the label.

LABEL, IN PART: "Nature's M. F. Co's Minerals," and "High Potency Vitamin B Complex * * * Each Tablet contains the minimum adult daily requirements of vitamin B-1; $\frac{1}{4}$ that of B-2; $\frac{3}{8}$ that of Iron. The two tablets containing 10 mg. Nicotinic Acid and Riboflavin 0.10 mgms."

NATURE OF CHARGE: *Mineral Tablets.* Misbranding, Section 502 (a), certain statements in the circular entitled "Nature's Minerals" were false and misleading since they represented and suggested that the article would be effective in promoting health, in correcting basic disorders, and in relieving various ailments such as pounding headaches, dizziness, sick feelings, pains in the hips, shoulders, back, and legs, stomach ache, gas, acid in the blood, lack of pep and manly strength and vigor, nerve strain, lack of energy, loss of vitality, enthusiasm, stamina, and powers of endurance, blues, melancholia, poor circulation, inability to concentrate, and irritability. The article would not be effective to fulfill the promises of benefit and to accomplish the results claimed for it.

Vitamin B complex tablets. Misbranding, Section 502 (a), the label statement, "High Potency Vitamin B Complex," was false and misleading as applied to an article which would supply only the minimum adult daily requirement of vitamin B₁ and smaller proportions of other vitamins in the B complex; and certain statements in the circular entitled "High Potency Vitamin B Complex" were false and misleading since they represented and suggested that the article would be effective in preventing or overcoming general vitamin deficiencies and in improving health. The article would not be effective for such purposes.

The *Vitamin B complex tablets* were also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: September 10, 1945. No claimant having appeared, judgment of condemnation was entered and the products and circulars were ordered destroyed.

1791. Misbranding of Hi-Lo Vitamin and Mineral Tablets. U. S. v. 41 Bottles of Hi-Lo Vitamin and Mineral Tablets, and a quantity of printed matter. Default decree of condemnation and destruction. (F. D. C. No. 16639. Sample No. 29574-H.)

LABEL FILED: June 25, 1945, Northern District of California.

ALLEGED SHIPMENT: By Hi-Lo Products, from St. Louis, Mo. The tablets were shipped on or about July 12, 1944, and February 13, 1945, and the printed matter was shipped on or about May 22, 1944.

PRODUCT: 24 32-tablet bottles, 5 100-tablet bottles, and 12 300-tablet bottles of *Hi-Lo Vitamin and Mineral Tablets* at San Francisco, Calif., together with 4,000 circulars entitled "Why Run Around in Circles Trying to Get All the